

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

TRAVIS A. SMITH,

Petitioner,

v.

**JEFFERY WOLFE, Warden,
Respondent.**

**CASE NO. 2:04-cv-1010
JUDGE SARGUS
MAGISTRATE JUDGE KEMP**

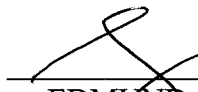
OPINION AND ORDER

On May 30, 2006, all of petitioner's claims, with the exception of claim three, were dismissed. Doc. No. 37. On June 26, 2006, the Magistrate Judge issued a Report and Recommendation recommending that petitioner be appointed counsel and that an evidentiary hearing be held on the issue of whether petitioner was advised of or knew about his right to appeal his guilty plea. Doc. No. 39.

Although the parties were specifically informed of their right to object to the *Report and Recommendation*, and of the consequences of their failure to do so, there has nevertheless been no objection to the *Report and Recommendation*.

The *Report and Recommendation* is hereby **ADOPTED AND AFFIRMED**. Petitioner is to be appointed counsel for an evidentiary hearing on claim three.

IT IS SO ORDERED.


8-3-06
EDMUND A. SARGUS, JR.
United States District Judge